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EXAMINER

YIGDALL, MICHAEL J

ART UNIT

PAPER NUMBER

2192

MAIL DATE

DELIVERY MODE

05/18/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

09/802,857

Applicant(s)

KOH ET AL.

Examiner

Art Unit

Michael J. Yigdall

2192

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 10 March 2011 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: See Continuation Sheet

/Michael J. Yigdall/  
Primary Examiner, Art Unit 2192

Continuation of 4.

The amendment filed after the final Office action mailed on December 16, 2010 is entered for purposes of appeal. As a result, claims 63-78 are pending. An explanation of the status of claims 63-78 is presented below. Only claims 63-69 are presented for appeal:

The rejection of claim 63 (currently amended) under 35 U.S.C. § 112, second paragraph, is withdrawn in view of the amendment.

Claim 63 (currently amended) stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,784,537 to Suzuki et al. ("Suzuki") in view of U.S. Patent No. 5,357,627 to Miyazawa et al. ("Miyazawa") as set forth in the final Office action.

Claims 64 (currently amended) and 65-69 (previously presented) stand rejected under 35 U.S.C. § 102(b) as anticipated by Suzuki as set forth in the final Office action.

The amendment adds new claims 70-78. However, the examiner notes that newly added claims 70-78 "are not intended to be the subject of this appeal" (see the remarks submitted with the amendment filed on March 10, 2011, page 8). Newly added claims 70-78 would be rejected for the same reasons as set forth in the final Office action:

Claim 70 (new) would be rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki in view of U.S. Patent No. 5,875,342 to Temple ("Temple") for the reasons set forth with respect to claim 54 in the final Office action, and would be rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki in view of Miyazawa for the reasons set forth with respect to claim 54 in the final Office action.

Claims 71-74 (new) would be rejected under 35 U.S.C. § 102(b) as anticipated by Suzuki for the reasons set forth with respect to claims 55, 56, 58 and 59, respectively, in the final Office action.

Claims 75-78 (new) would be rejected under 35 U.S.C. § 103(a) as unpatentable over Suzuki in view of Miyazawa for the reasons set forth with respect to claims 60-63, respectively, in the final Office action.

The amendment cancels claims 53-62. As a result, the rejections of claims 53-62 are withdrawn for purposes of appeal:

The rejection of claims 53 and 55-59 (canceled) under 35 U.S.C. § 102(b) as anticipated by Suzuki is withdrawn in view of the amendment.

The rejection of claims 53-57 (canceled) under 35 U.S.C. § 102(b) as anticipated by Temple is withdrawn in view of the amendment.

The rejection of claim 54 (canceled) under 35 U.S.C. § 103(a) as unpatentable over Suzuki in view of Temple is withdrawn in view of the amendment.

The rejection of claims 54 and 60-62 (canceled) under 35 U.S.C. § 103(a) as unpatentable over Suzuki in view of Miyazawa is withdrawn in view of the amendment.

/MY/